

In the Supreme Court of the United States.

OCTOBER TERM, 1921.

SANTA FE PACIFIC RAILROAD COMPANY,	} No. 109.
Appellant,	
v.	
ALBERT B. FALL, <i>Secretary of the Interior.</i>	

APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT
OF COLUMBIA.

BRIEF FOR APPELLEE.

STATEMENT.

The appeal in this case (R. 12) is from a decree of the Court of Appeals of the District of Columbia (R. 11, 12), which affirmed a decree of the Supreme Court of the District (R. 6) dismissing a bill brought by the Santa Fe Pacific Railroad Company against the Secretary of the Interior to enjoin him from enforcing and to compel him to set aside and vacate an order entered by him for the cancellation of a filing made by the company for certain lands in the State of New Mexico sought to be acquired under the provisions of the Act of April 28, 1904, c. 1810, 33 Stat. 586. Opinion of the Court of Appeals, R. 11; 267 Fed. 656.

The case presented is in all essential respects like No. 108 of this term, between the same parties. The pleadings are substantially the same as those in No. 108, and the same question is presented in this case as in that one. The only difference is that another tract of land is involved.

The appellant concedes that the decision of this court in No. 108 will control this case. In that we agree.

CONCLUSION.

For reasons set forth in our brief in No. 108, we urge that the decree appealed from be affirmed.

JAMES M. BECK,
Solicitor General.

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H. L. UNDERWOOD,
Attorney.

NOVEMBER, 1921.

